

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF NORTH CAROLINA



MAJOR BOYD WHITLEY,  
Plaintiff,

v.

Case number: 19-cv-00358-TDS-JLW

MOTION to Response to Defendants'

SETTLEMENT

CONFERENCE STATEMENT

SHERIFF VAN SHAW, et al,  
Defendant,

IN and for the record!

MAJOR BOYD WHITLEY in propria person suijuris do appear  
specially and not generally.

I did reach Majority and do state the following as true:

I am a natural person.

Let the record reflect see Exhibit's that was filed on APR-1-2019  
along with plaintiff complaint. That through grievance procedure  
that the plaintiff brought to the defendants attention how the  
Zabarrus County Detention Center forcing the Gideons religion  
on the plaintiff established a constitutional violation.

Hebrew Israelite religion: Is a beliefs to be protected by the Free Exercise clause of the First Amendment. beliefs must meet two requirements: they must be religious, and they must be sincerely held.

1. Beliefs may be religious even if they are non-traditional or unfamiliar to mainstream America, and even if they do not include belief in a god. Courts may not pass judgment on the truth, falsity, or rationality of beliefs in determining whether they are religious. A beliefs system can be religious even if it includes some secular (non-religious) elements.

3. Beliefs must be sincerely held to be protected by the Free Exercise clause.

Beliefs cannot be found insincere just because you acquired them recently or while in prison.

denying plaintiff kosher diet is a substantial burden

1. States waive their sovereign immunity by accepting federal funds.

Municipal Governments, such as cities and towns, are not covered by

Eleventh Amendment immunity. Forcing plaintiff to Group worship

with Gideons, were that violence result from them, fist fights with

cell-mates - other pre-trial detainee who's belief is Christianity

violate the law.

1. Plaintiff sect of Hebrew Israelite do not pray to or see Jesus as God.

• discriminate against members of a particular sect may violate the law.

• Courts must be satisfied that act's proscriptions are and will be administered neutrally among different faiths and cited the provision of Kosher food for Jews but not Halal food for Muslims as an example of the kind of restriction RLUIP was intended to correct.

2. Nor can government coerce anyone to participate in religious activities. The First Amendment prohibits the establishment of religion. Prisoner may not be coerced to

HEAR OR SUBMIT to religious "VIEWS".

• Inner Change program dominated by bible study Christian classes, religious rituals, and church services which was housed by prison in superior living quarters the former "honor unit" of the prison, which afforded greater privacy than other living units and whose participants received greater visiting and other privileges than other prisoners violated the Establishment Clause. *Cambell v. Thornton*, 644 F. Supp. 103, 26 (W.D. Mo. 1986) (evidence that proprietors of "halfway house" forced their religion on the plaintiff established a constitutional violation.

See also *Spratt v. County of Kent*, 621 F. Supp. 594, 600-01 (W.D. Mich. 1985)

2. Cutter v. Wilkinson, 544 U.S. at 724 (singl[ing] out a particular religious sect for special treatment violates the Establishment Clause (citation omitted); Kaufman v. McCaughtry, 419 F.3d 678, 683-84 (7<sup>th</sup> Cir, 2005) [banning an atheist study group while permitting other religious groups violated the Establishment Clause].
13. 18 U.S. Code § 241 - Conspiracy against rights
14. 18 U.S. Code § 242 - Deprivation of rights under color of Law

Plaintiff requesting the relief he set  
out in his complaint 13/Majr Whitley

Date 2-4-2022